

ESTTA Tracking number: **ESTTA466653**

Filing date: **04/11/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054923
Party	Defendant Consolidated European Brands Ltd.
Correspondence Address	MICHAEL J MACDERMOTT CHRISTIE PARKER & HALE LLP PO BOX 29001 GLENDALE, CA 91209-9001 UNITED STATES pto@cph.com
Submission	Reply in Support of Motion
Filer's Name	Michael J. MacDermott
Filer's e-mail	pto@cph.com
Signature	/Michael J. MacDermott/
Date	04/11/2012
Attachments	Respondents Reply Brief in Support of Motion to Set Aside Default_Page_1.tiff ( 1 page )(0 bytes ) Respondents Reply Brief in Support of Motion to Set Aside Default_Page_2.tiff ( 1 page )(0 bytes ) Respondents Reply Brief in Support of Motion to Set Aside Default_Page_3.tiff ( 1 page )(0 bytes ) Respondents Reply Brief in Support of Motion to Set Aside Default_Page_4.tiff ( 1 page )(0 bytes ) Respondents Reply Brief in Support of Motion to Set Aside Default_Page_5.tiff ( 1 page )(0 bytes ) Respondents Reply Brief in Support of Motion to Set Aside Default_Page_6.tiff ( 1 page )(0 bytes ) Respondents Reply Brief in Support of Motion to Set Aside Default_Page_7.tiff ( 1 page )(0 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration Nos. 1,790,599, 3,322,442 and 4,018,064  
For the Marks BLACK DEATH and Design, BLACK DEATH and BLACK DEATH,  
respectively

Valgeir Tomas Sigurdsson

Petitioner,

v.

Consolidated European Brands Ltd.

Respondent.

Cancellation No. 92054923

**RESPONDENT'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT**

This is in response to Petitioner's opposition to Respondent's Motion to Set Aside Notice of Default.

Appended hereto are the declaration of Thomas C. Lines, Chief Executive Officer of the Respondent and Michael J. MacDermott, Attorney of Record, both confirming that the Petition for Cancellation was not received by either the Respondent or the Respondent's counsel.

Respondent has been diligent in responding in this proceeding once it received Notice of the Default and failed to receive the consent from the Petitioner to set aside the Default. Respondent's Answer in the case was filed one week later on March 16, 2012. Respondent's Motion to Set Aside Default was also submitted that day but was

inadvertently was not accompanied by a Certificate of Service. It was re-filed and served with the Board on March 21, 2012.

Petitioner's opposition to the motion makes no mention of any prejudice to the Petitioner by the relatively short delay in Respondent's Answer to the pleadings. Respondent's Answer was filed less than 50 days after the original due date for the Answer. We therefore urge that Respondent's Motion to Set Aside Default be granted by the Board.

DATED: April 11, 2012

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Brian K. Brookey  
Michael J. MacDermott  
Attorneys for Respondent  
P.O. Box 29001  
Glendale, CA 91209-9001  
Phone: 626/795-9900

Enclosures: Declaration of Thomas C. Lines  
Declaration of Michael J. MacDermott

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Respondent.

Cancellation No. 92054923

**DECLARATION OF THOMAS C. LINES**

I, Thomas C. Lines, hereby declare and state that:

1. I am the Chief Executive Officer of the Respondent Consolidated European Brands Ltd. The Respondent never received the Petition for Cancellation in this case that was allegedly mailed by the Petitioner. My first notice of the case was when I received an e-mail from our counsel Michael MacDermott informing me that a Notice of Default had been entered in the case.

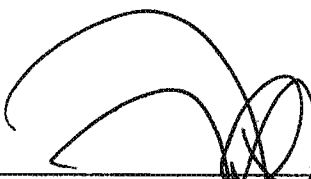
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Cancellation No. 92054923

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The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Date April 10, 2012



Thomas C. Lines

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Petitioner,

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Respondent.

Cancellation No. 92054923

**DECLARATION OF MICHAEL J. MACDERMOTT**

I, Michael J. MacDermott, hereby declare and state that:

1. I am the attorney of record for the Respondent in this action.
2. I have checked with our mailroom and our docketing department which are responsible for all incoming mail including matters in Board and Court proceedings. Our firm has no record of having received the Petition for Cancellation that was allegedly mailed to our former Pasadena address in December by the Petitioner's counsel. Thus, I can confidently state that we did not receive the Petition for Cancellation.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Date April 11, 2012



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Michael J. MacDermott

**CERTIFICATE OF TRANSMISSION AND SERVICE**

I certify that on April 11, 2012 a true and correct copy of the foregoing document entitled **RESPONDENT'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT** is being electronically transmitted for filing to the:

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

It is further certified that on April 11, 2012, a true and correct copy of the foregoing document entitled **RESPONDENT'S REPLY IN SUPPORT OF MOTION TO SET ASIDE DEFAULT** is being served on counsel for Petitioner by mailing a copy thereof by U.S. Postal Service, first-class mail, addressed to:

Neil Steiner  
STEINER & LIBO PROFESSIONAL CORPORATION  
433 N. Camden Drive , Suite 730  
Beverly Hills, CA 90210

*Attorneys for Petitioner,  
Valgeir Tomas Sigurdsson*

By: 

Brian K. Brookey  
Michael J. MacDermott  
Attorneys for Respondent  
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P.O. Box 29001  
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